

**NEW HAMPSHIRE BOARD OF NURSING
MINUTES
February 20, 2014**

Recorder: Kathryn Dickson, Executive Secretary

TOPIC	DISCUSSION	ACTION
1.0 Call to Meeting	Nursing students were present from St. Joseph School of Nursing and Plymouth State University.	Meeting called to order at 8:00 a.m. with K. Baranowski (KB), Vice-Chair, presiding. Board members present: C. Smith (CS), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), H. Featherston (HF), T. Collins (TC), K. Kidder (KK), A. Finn-Waddell (AF) Board members absent: B. Libby (BL) R. Duhaime (RD) joined Board at 10:00 a.m. Board staff present: D. Nies (DN), A. Pavlidis (AP), L. Tetreault (LT), S. Goodness (SG), K. Dickson (KD)
1.1 Open Forum	None	
1.2 Addendum		
1.2.1 Additions		2.5 Emergency meeting minutes 7.1.5.1 A. Jablonski, Respondent's Supplemental Exhibit List 7.1.6 R. Joseph, RN, 10:00 a.m. appearance 7.2.3.1 B. Birner, RN/APRN (SA) 7.2.8 J. Diefenbach, LPN (VS in lieu of hearing) 8.1.2 M. McCabe, additional documentation 8.1.5 K. Merrill 8.1.6 R. Cote, LPN 8.1.6.1 R. Cote, LPN, additional documentation 8.1.7 A. Way-Daly, RN 9.1.2 C. Brennan, 11:45 appearance 10.3.4 Cedarcrest Center 10.3.5 Distance Education 11.3.1 RN/LPN Scope of Practice: Perform ventilator settings
1.2.2 Deletions	None	

TOPIC	DISCUSSION	ACTION
1.3 Appearances		7.1.1 K. Leroy 8:30 a.m. 7.1.2 M. Carsten 9:00 a.m. 7.1.3 M. Goldman-Oliveros 9:30 a.m. 7.1.4 J. Diefenbach 10:00 a.m. 5.0 Non-public session 10:30 a.m. 8.1.1 B. Mockler 11:30 a.m. 8.1.2 M. McCabe 1:15 p.m. 8.1.3 K. Thibault, RN 1:45 p.m. 8.1.4 R. Dillon, APRN 1:55 p.m. 10.3.2 LRCC 2:00 p.m. 7.2.3 B. Birner 2:30 p.m. 7.1.5 A. Jablonski (con't) 3:00 p.m.
2.0 Approval of minutes		
2.1 January 16, 2014 Regular Board meeting minutes	Reviewed and discussed.	M/NF, S/CS to approve minutes as written. Unanimous.
2.2 January 30, 2014 Emergency meeting minutes, A. Silva	Reviewed and discussed.	M/NF, S/CS to approve minutes as written. Unanimous.
2.3 January 30, 2014 Emergency meeting minutes, A. Jablonsky	Reviewed and discussed.	M/NF, S/CS to approve minutes as written. Unanimous.
2.4 February 10, 2014 Emergency hearings	Reviewed and discussed.	M/NF, S/CS to approve minutes as written. Unanimous.
2.5 February 18, 2014 Emergency meeting minute	Reviewed and discussed. Date corrected from January 18 to February 18.	M/NF, S/CS to approve minutes as amended. Unanimous.
4.0 Report of Executive Director/Staff		
4.1 Expense Summary Budget	DN explained budget.	FYI.
4.3 Draft of final proposed administrative rule changes, Chapter 100, 400, 700, 800	Reviewed and discussed changes.	M/NF, S/KK approved draft of final proposed administrative rules with clarification to wording of definition of “stable client”: <u>“Stable client” means a client whose overall health status, assessed by a licensed nurse, is at the expected baseline, or with predictable or expected responses that can occur with known chronic or long term medical conditions.</u> Unanimous.

TOPIC		DISCUSSION	ACTION
7.0	Adjudicative (Investigator/Prosecutor)		
7.2	Consent Decree/Settlement Agreement/ Voluntary Surrender/ Reciprocal Discipline/Practice Restrictions		
7.2.1	C. Jacques, RN (VS) #014808-21	Previously reviewed.	M/NF, S/AF to approve Voluntary Surrender as proposed. Unanimous.
7.2.2	P. VanAlstyne, RN (SA) #044143-21 (CS recused)	Previously reviewed.	CS recused. M/NF, S/AF to approve Settlement Agreement as proposed. Unanimous.
7.2.4	J. Vespa, LNA (VS) #047841-24	Previously reviewed.	M/NF, S/AF to approve Voluntary Surrender as proposed. Unanimous.
7.2.5	E. Scaggs, RN (VS) #060966-21	Previously reviewed.	M/NF, S/AF to approve Voluntary Surrender as proposed. Unanimous.
7.2.6	L. Wildes, LPN (SA) #011174-22	Previously reviewed.	M/NF, S/AF to approve Settlement Agreement as proposed. Unanimous.
7.2.7	J. Berardi, LPN (SA) #011755-22 (AF recused)	Removed from Consent Agenda for review.	AF recused. M/NF, S/BF to deny Settlement Agreement as proposed. Unanimous.
7.4	Dismissals (Proposed)		
7.4.1	P. M., LPN	Previously reviewed.	M/TC, S/HF to accept recommendations as proposed. Unanimous.
7.4.2	M. P., APRN	Previously reviewed.	M/TC, S/HF to accept recommendations as proposed. Unanimous.
7.4.3	L. C., RN	Previously reviewed.	M/TC, S/HF to accept recommendations as proposed. Unanimous.

TOPIC		DISCUSSION	ACTION
7.4.4	C. B., LPN	Previously reviewed.	M/TC, S/HF to accept recommendations as proposed. Unanimous.
7.4.5	A. G., RN	Previously reviewed.	M/TC, S/JK to accept recommendations as proposed. Unanimous.
7.5	Recommendations (Proposed)		
7.5.1	M. B., LNA	Previously reviewed.	M/TC, S/JK to accept recommendations as proposed. Unanimous.
7.5.2	M. C., LPN	Previously reviewed.	M/TC, S/JK to accept recommendations as proposed. Unanimous.
7.5.3	A. V., RN	Previously reviewed.	M/TC, S/JK to accept recommendations as proposed. Unanimous.
7.5.4	L. M., RN	Previously reviewed.	M/TC, S/JK to accept recommendations as proposed. Unanimous.
7.5.5	R. M., LNA	Previously reviewed.	M/TC, S/JK to accept recommendations as proposed. Unanimous.
7.5.6	A. N., LNA	Previously reviewed.	M/TC, S/JK to accept recommendations as proposed. Unanimous.
7.5.7	D. L., LNA	Previously reviewed.	M/TC, S/JK to accept recommendations as proposed. Unanimous.
7.5.8	J. V., LNA	Previously reviewed.	M/TC, S/JK to accept recommendations as proposed. Unanimous.
8.2	Recommendations (Proposed)		

TOPIC	DISCUSSION	ACTION
8.2.1 – 8.2.7 Letters of Concern and Dismissals (KK, APRN and BF, LPN recused Board members)	Previously reviewed.	M/AF, S/HF to accept recommendations as proposed. Unanimous.
9.0 Licensure		
9.3 Licensure (Non-appearance)		
9.3.1 K. J., LNA licensure	Previously reviewed.	M/HF, S/JK to allow LNA licensure in NH. Unanimous.
9.3.2 J. M., LNA licensure	Previously reviewed.	M/HF, S/JK to allow LNA licensure in NH. Unanimous.
9.3.3 J. K., LNA licensure	Previously reviewed.	M/HF, S/JK to allow LNA licensure in NH. Unanimous.
9.3.4 A. L., LNA licensure	Previously reviewed.	M/HF, S/JK to allow LNA licensure in NH. Unanimous.
9.3.5 K. O., LNA licensure	Previously reviewed.	M/HF, S/JK to allow LNA licensure in NH. Unanimous.
9.3.6 D. D., LNA licensure	Previously reviewed.	M/HF, S/JK to allow LNA licensure in NH. Unanimous.
9.3.7 S. C., LNA licensure	Previously reviewed.	M/HF, S/JK to allow LNA licensure in NH. Unanimous.
9.3.8 C. B., LNA endorsement	Previously reviewed.	M/HF, S/JK to allow LNA licensure in NH. Unanimous.
10.0 Education		
10.1 Consideration for Continuing Approval		
10.1.1 Med Pro Educational Services LLC MNA Program	Previously reviewed.	M/TC, S//BF to grant <i>Continued Approval</i> to program and reviewer. Unanimous
10.1.2 Hearts and Minds, LLC LNA Program	Previously reviewed.	M/TC, S//BF to grant <i>Continued Approval</i> to program and coordinator. Unanimous
7.0 Adjudicative (Investigator/Prosecutor)		
7.1 Hearings		
7.1.1 K. Leroy, LNA/MNA #003653-24/MNA	Hearing held for K. Leroy, LNA/MNA, 003653-24/MNA, Docket 13-1227-0405-NA, pursuant to the	M/TC, S/AF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #11 as amended; affirm

TOPIC	DISCUSSION	ACTION
<p>7.1.2 M. Carsten, LNA #048499-24</p> <p>7.1.4 J. Diefenbach, LPN #014646-22</p> <p>7.1.6 R. Joseph, RN #039062-21</p>	<p>Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 8:40 a.m. with K. Baranowski, Vice-Chair presiding. Board members present: C. Smith (CS), N. Fortin (NF), J. Kuras (JK), H. Featherston (HF), T. Collins (TC), K. Kidder (KK), B. Fersch (BF), A. Finn-Waddell (AF) Board staff present: S. Goodness (SG), K. Dickson (KD), Laurel O'Connor, Hearing Counsel for Board of Nursing Reading of Notice of Hearing waived. Respondent joined hearing at 8:55 a.m. Witnesses present to offer testimony: Diane Brace, RN, Resident Care Director of LedgeWood Bay Hearing concluded at 9:11 a.m.</p> <p>Reviewed and discussed Motion to Continue.</p> <p>Reviewed and discussed Voluntary Surrender signed in lieu of hearing (7.2.8 VS).</p> <p>R. Joseph appeared before Board with Motion to Continue hearing.</p>	<p>Hearing Counsel's Proposed Rulings of Law #1 - #5 as amended; deny Hearing Counsels Proposed Sanctions #2 - #7; amend Hearing Counsel's Proposed Sanctions #1 to issue Letter of Concern. Unanimous. (See Docket #13-1227-0405-NA)</p> <p>M/NF, S/CS to approve Motion to Continue until March 20, 2014. Unanimous.</p> <p>M/TC, S/NF to accept Voluntary Surrender as signed. Unanimous.</p> <p>M/TC, S/NF to approve Motion to Continue hearing. Suspension of RN license shall stay in place until full hearing on merits of investigation can be held. Unanimous.</p>
<p>8.0 Adjudicative (Executive Director)</p> <p>8.1 Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions</p> <p>8.1.5 K. Merrill, RN #052345-21</p> <p>8.1.6 R. Cote, LPN #007069-22</p>	<p>Reviewed and discussed request for reinstatement of NH RN licensure.</p> <p>Reviewed and discussed request to have drug testing suspended from February 22 through March 1, 2014 while she is out of country.</p>	<p>M/TC, S/HF to deny request at this time. Unanimous.</p> <p>M/TC, S/AF to approve request to have drug testing suspended from February 22, 2014 through March 1, 2014. Yea: TC, AF, JK, HF, BF, KK, CS Nay: NF Motion carries.</p>

TOPIC	DISCUSSION	ACTION
<p>7.0 Adjudicative (Investigator/Prosecutor)</p> <p>7.1 Hearings</p> <p>7.1.3 M. Goldman-Oliveros, RN #042677-21</p>	<p>Hearing held for M. Goldman-Oliveros, RN #042677-21, Docket 14-0129-0409, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 9:48 a.m. with K. Baranowski, Vice-Chair presiding.</p> <p>Board members present: C. Smith (CS), N. Fortin (NF), J. Kuras (JK), H. Featherston (HF), T. Collins (TC), K. Kidder (KK), B. Fersch (BF), A. Finn-Waddell (AF)</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), Laurel O'Connor, Hearing Counsel for Board of Nursing</p> <p>Reading of Notice of Hearing waived.</p> <p>Respondent present to offer testimony.</p> <p>Witnesses present to offer testimony:</p> <p>Hearing concluded at 9:53 a.m.</p>	<p>M/NF, S/HF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #9 and #11 - #12; amends Proposed Findings of Facts #10; affirm Hearing Counsel's Proposed Rulings of Law #1 - #4; deny Hearing Counsels Proposed Sanctions #2 - #3; affirm Hearing Counsels Proposed Sanctions #4 - #7; amend Hearing Counsel's Proposed Sanctions #1 to issue REPRIMAND for 2 years and assess monetary penalty in amount of \$1000 to defray costs associated with investigation and prosecution of case. Respondent shall successfully complete course on medical ethics and professionalism in nursing and upon completion shall provide Board with documentation verifying such completion. Unanimous.</p> <p>(See Docket #14-0129-0409</p> <p>RD joined Board at 10:00 a.m.</p>
<p>11.0 Practice Inquiries and Practice Committee Reports</p> <p>11.1 Liaison Committee (KK)</p>	<p>KK reported on Liaison Committee meeting. Liaison Committee needs to fill position for Certified Midwife. Julie Buelte, CNM, was interviewed and approved for CNM Liaison Committee member.</p> <p>Committee discussed guidelines regarding APRN's prescribing for family members.</p>	<p>M/HF, S/TC to concur with NH Board of Medicine's support of the AMA Ethical Guidelines regarding prescribing for family members. The NH BON recognizes, as NH Board of Medicine has for physicians, that there are certain situations where APRNs could appropriately prescribe for family members in acute, short term situations. See AMA Ethical Guidelines 8.19 Self-Treatment or Treatment of Immediate Family Members. To paraphrase this guideline, "It would not always be inappropriate for APRNs to undertake self-treatment or treatment of immediate family members. In emergency settings or isolated settings where there is no other qualified health care provider available, APRNs should not hesitate</p>

TOPIC	DISCUSSION	ACTION
		to treat themselves or family members until another qualified health care provider becomes available. In addition, while APRNs should not serve as a primary or regular care provider for immediate family members, there are situations in which routine care is acceptable for short-term, minor problems. Except in exceptional, emergency situations, it is not appropriate for APRNs to write prescriptions for controlled substances for themselves or immediate family members Unanimous.
	Liaison Committee reviewed letter requesting re-evaluation of a Clinical Practice Advisory, issued January 17, 2008, relative to CNM-attended trial of labor after cesarean section or vaginal birth after cesarean (TOLAC/VBAC) in the out of hospital setting.	Board affirmed that it continues to support the APRN Certified Nurse Midwife (CNM) role in providing VBAC deliveries and applauds the efforts for birthing choices in New Hampshire. Substantial evidence now supports that with appropriate risk stratification and appropriate labor management, low risk women who have experienced a prior cesarean birth have similar birth outcomes to non-VBAC women BON continues to expect that APRNs fully inform women about the evidence of harm and benefit of TOLAC.
11.2 P & E Committee (NF)	Next meeting to be held March 31, 2014.	
11.3 Request for Board advice:		
11.3.1 RN/LPN Scope of Practice Perform decrease/increase on ventilator settings	<p>Reviewed and discussed whether or not an RN or LPN can perform decrease/increase on ventilator settings with provider's order.</p> <p>M/KB, S/NF to conduct non-meeting for purpose of attorney/client discussion. Board voted as follows: Yea: RD, KB, CS, KK, BF, NF, JK, HF, TC, AF Non-public session began at 10:30 a.m. and concluded at 11:00 a.m.</p> <p>M/KK, S/JK to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes</p>	Board opined to send to P & E Committee for recommendations.

TOPIC	DISCUSSION	ACTION
	of non-public session shall be sealed. Board voted as follows: Yea: RD, KB, CS, KK, BF, NF, JK, HF, TC, AF Non-public session began at 11:05 a.m. and concluded at 11:30 a.m.	
8.0 Adjudicative (Executive Director) 8.1 Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions 8.1.1 B. Mockler, RN #031598-21	B. Mockler presented oral testimony in support of petition for removal of probation and all conditions and stipulations.	M/NF, S/KB to approve petition for removal of probation and all conditions and stipulations. Unanimous.
10.0 Education 10.3 Educational issues 10.3.1 NCLEX pass rates (AP)	Reviewed and discussed final NCLEX results for 2013.	<ul style="list-style-type: none"> Letters of concern shall be sent to: <ul style="list-style-type: none"> River Valley Community College NHTI, Concord's Community College, LPN Program Request for corrective plan and timeline for resolution MCPHS University with request for corrective plan and timeline for resolution Request for appearance at March 20, 2014 Board meeting along with corrective plan and timeline for resolution shall be sent to: <ul style="list-style-type: none"> Harmony Health Care Institute Keene State College Plymouth State University Rivier University
10.3.2 Lakes Region Community College Carol Brody, Director	Carol Brody, Director, Lakes Region Community College, reviewed and discussed with Board LRCC corrective action plan as result of 3 years of NCLEX scores that fail to meet both national and NH benchmarks.	Site visit to be scheduled at LRCC.
10.3.3 River Valley Community College Summary of Quarterly Report	FYI	
10.3.4 Cedarcrest Center LNA Training Center	Reviewed and discussed request to discontinue LNA training program at Cedarcrest Center.	M/KB, S/CS to approve to discontinue LNA training program at Cedarcrest Center. Unanimous.

TOPIC	DISCUSSION	ACTION
<p>Request to close program</p> <p>10.3.5 Distance Education Follow up reporting (AP)</p>	<p>Reviewed and discussed follow-up reporting for Distance Education. Approval of distance education program is important step towards decreasing barriers to assist nurses returning to practice without adding additional barriers. AP recommended re-wording of Administrative Rules to suggested process as noted: "The Board may require a RN or LPN Refresher nursing program approved to file periodic reports for the purpose of data collection or to determine compliance with these rules. A program shall submit to the Board within 30 days of the date on a written request from the Board or by the due date stated in the request if the due date is after the normal 30 day period."</p>	<p>M/KB, S/NF to accept proposed language for process of distance education Unanimous.</p>
<p>12.0 Committee Reports and Recommendations</p> <p>12.1 HeM 1201 (TC)</p> <p>12.2 Day of Discussion</p> <p>12.2.1 RN/LPN Day of Discussion (AP)</p> <p>12.2.2 LNA Day of Discussion (LT)</p> <p>12.3 ADA (NF, AF, TC)</p>	<p>No meeting.</p> <p>Meeting planned with NH School Nurses Association to discuss needs of school nurses.</p> <p>Proposed agenda was presented for LNA Day of Discussion to be held at the Walker Building on June 19, 2014.</p> <p>No applicants.</p> <p>M/NF, S/KB to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: RD, KB, CS, KK, BF, NF, JK, HF, TC Non-public session began at 12:10 p.m. and concluded at 1:00 p.m.</p>	
<p>8.0 Adjudicative (Executive Director)</p> <p>8.1 Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions</p> <p>8.1.3 K. Thibault, RN</p>	<p>K. Thibault offered oral testimony in support of</p>	<p>M/KB, S/KK to remove PROBATION and all</p>

TOPIC	DISCUSSION	ACTION
<p>#047475-21</p> <p>8.1.4 R. Dillon, APRN #046771-23</p> <p>8.1.2 M. McCabe Inactive RN/APRN #043206-21/23</p> <p>8.1.7 A. Way-Daly, RN #017866-21</p>	<p>petition to remove probation from RN license.</p> <p>R. Dillon offered oral testimony in support of petition to remove probation from APRN license.</p> <p>M. McCabe offered oral testimony in support of petition to reinstate RN and APRN licenses.</p> <p>Reviewed and discussed request for end date for Reprimand on RN license.</p>	<p>conditions and restrictions from NH RN license as requested. Yea: KB, KK, HF, TC, JK, CS Nay: NF, BF</p> <p>M/TC, S/NF to remove PROBATION and all conditions and restrictions from NH RN license as requested. Unanimous.</p> <p>M/AF, S/NF to deny reinstatement of RN and APRN licenses. Unanimous.</p> <p>M/KB, S/HF to end Reprimand effective February 20, 2014. Respondent understands that Reprimand remains as permanent discipline history. Unanimous.</p>
<p>7.0 Adjudicative (Investigator/Prosecutor)</p> <p>7.2 Consent Decree/Settlement Agreement/ Voluntary Surrender/ Reciprocal Discipline/Practice Restrictions</p> <p>7.2.3 B. Birner, RN/APRN (SA)</p> <p>7.1 Hearings</p> <p>7.1.2 A. Jablonski, RN #066182-21</p>	<p>B. Birner appeared before Board with Attorney Katherine Hanna to offer testimony in support of proposed Settlement Agreement.</p> <p>Hearing continued from February 10, 2014, for A. Jablonski, RN #066182-21, Docket #14-0130-0412 pursuant to the Nurse Practice Act, RSA 326-B and the administrative rules Chapters 100-800, at 3:40 p.m. with R. Duhaime, Chair presiding. Board members present: K. Baranowski (KB), N. Fortin (NF), J. Kuras (JK), H. Featherston (HF), T. Collins (TC), B. Fersch (BF) Recused: C. Smith (CS), A. Finn-Waddell (AF), K. Kidder (KK) Board staff present: S. Goodness (SG), K. Dickson (KD), Laurel O'Connor, Hearing Counsel for Board of Nursing</p>	<p>M/NF, S/HF to accept Settlement Agreement as proposed. Yea: NF, HF, KB, KK, JK, CS Nay: BF, TC Abstained: AF Motion carries.</p> <p>CS, AF, KK recused. M/NF, S/JK to affirm Hearing Counsel's Proposed Findings of Facts #A through #F. Board voted to DISMISS complaint. Yea: NF, JK, KB, HF, BF Nay: TC Motion carries to dismiss.</p>

TOPIC	DISCUSSION	ACTION
	<p>Reading of Notice of Hearing waived. Respondent present with her counsel, Attorney Neil Nicholson. Hearing Counsel's Witness: Vicki Loughery, CNO, Monadnock Community Hospital Respondent Counsel's Witness: Tomasz Jablonski, Respondent's husband Hearing adjourned at 5:30 p.m.</p> <p>M/NF, S/KK to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: RD, KB, CS, KK, BF, NF, JK, HF, TC, AF Non-public session began at 5:31 p.m. and concluded at 5:50 p.m.</p>	
<p>9.0 Licensure</p> <p>9.1 Reinstatement</p> <p>9.1.1 R. Englert, RN</p> <p>9.2 Licensure issues</p> <p>9.2.1 D. Ryan, LPN</p> <p>9.2.2 J. Lavallee LPN application by endorsement</p>	<p>Failed to appear.</p> <p>Reviewed materials received from Counsel representing D. Ryan.</p> <p>Reviewed question of whether or not applicant can endorse into NH with current CA LPN license obtained via comparable education.</p>	<p>No action required. FYI.</p> <p>Board requested that applicant come before Board at March 20, 2014 meeting with further information regarding education and work history.</p>
<p>14.0 National Council</p>	<p>KB and DN to attend NCSBN Midyear meeting in March.</p>	
<p>17.0 Adjournment</p>	<p>Next regular meeting: March 20, 2014 8:00 a.m. NH Board of Nursing Conference Room B119 121 South St Concord, NH 03301</p>	<p>Meeting adjourned at 6:00 p.m.</p> <p>Respectfully submitted,</p> <p>Denise Nies, MSN, RN, BC Executive Director</p>